SINGLE BENCH

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION (S) NO. 7324 OF 2006

PETITIONER :- Suresh Singh Kushwaha, son of Shri K.S. Kushwaha, aged about 47 years, Platoon Commander, Dog Squad, CTJW College, Kanker.

P.R. No. 7445/06
Presented by Madhu Pradhan
dated 15/12/06

VS

RESPONDENTS :

1. State of Chhattisgarh, through the Secretary, Ministry of Home, D.K.S. Bhawan, Raipur.
2. The Inspector General of Police, Chhattisgarh, Police Headquarters, Raipur.
3. The Director General of Police, Arm Squad, Bhilai.
4. The Director, CTWJ College, Kanker.

15/12/06

CERTIFIED COPY
15/12/06
H. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/~~227~~ OF THE CONSTITUTION OF INDIA.

(33)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.7324 OF 2006

Petitioner : Suresh Singh Kushwaha

versus

Respondents : State of Chhattisgarh and others

Present : Mr. B.P.Sharma, counsel for the petitioner.
Mr. Sushil Dubey, Government Advocate for the State/respondents.

ORDER
(Passed on 4th Day of January, 2007)

By this writ petition, the petitioner seeks following relief against the respondents :-

> "a. A writ and/ or an order in the nature of writ of mandamus do commanding and directing the respondent State authorities to produce before this Hon'ble Court all the documents relating to the petitioner for its kind perusal.
>
> b. A writ and/ or an order in the nature of writ of mandamus do issue calling upon the respondent State authorities to explain their conduct in not promoting the petitioner and at the same time promoting other persons and

thereafter, appropriate direction be issued to the respondent State authorities.

c. A writ and/ or an order in the nature of writ of mandamus do commanding and directing the respondent State authorities to consider the case of the petitioner according to the well established norms of the Service Jurisprudence and if deem fit direct the respondent State authorities to promote the petitioner with all consequential benefits from the date when the petitioner has become entitled for in the facts and circumstances of the case.

d. Cost of the proceedings.

e. Any other relief in the discretion of this Hon'ble Court."

2. The petitioner is working as Platoon Commander, Dog Squad in CTJW College, Kanker. The petitioner, after having completed 10 years, has not been promoted to the post of Company Commander. The petitioner made a representation to the concerned authorities stating that the other Platoon Commanders, who have completed more than 6 years of services, have been promoted to the post of Company Commander. The petitioner claims promotion on the basis of promotions of other Platoon Commanders to the post of Company Commander.

3. On query as to whether promotion is governed by some rules, regulations, circulars or executive instructions, learned counsel appearing for the petitioner was not in a position to point out any document, which provides for promotion of the Platoon Commander to

the post of Company Commander on completion of 6 years. The sole contention of learned counsel appearing for the petitioner was that the other Platoon Commanders, not in Dog Squad, have been promoted to the post of Company Commander after working for more than 6 years.

4. The petition lacks relevant materials. The petition is cryptic and does not disclose any cause of action or a semblance of right accrued in favour of the petitioner.

5. Learned counsel appearing for the petitioner referred to a letter dated 13-8-2004 (Annexure P-1), whereby all the Commandants have been asked to submit details of Platoon Commanders, who have completed 6 years of service. The said letter does not indicate as to whether a Platoon Commander has to be promoted necessarily after completion of 6 years. It is further brought to the notice that the Additional Director General of Police (Special Armed Forces/Training/Communication), by letter dated 9-1-2006 (Annexure P-7), directed the Director, CTJW College, Kanker to enable the petitioner to appear before him in respect of the petitioner's representation dated 6-1-2006. The Director, CTJW College, Kanker, in his letter dated 9-11-2006 (Annexure P-8), addressed to the Inspector General of Police (Special Armed Forces), Bhilai, informed that no post of Company Commander (Dog Squad) is vacant for promoting the petitioner to the said post. However, it was observed that the petitioner may be considered for promotion to the post of Company Commander (G.D.).

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6. In view of the foregoing, the Inspector General of Police (Special Armed Forces), Bhilai is directed to consider the recommendation dated 9-11-2006 (Annexure P-8) of the Director, CTJW College, Kanker, in accordance with law, within a period of four weeks from the receipt of a copy of this order.

7. The petition is accordingly disposed of with the above-stated direction. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal